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the person at whose direction the product is manufactured (such as the marketer of the brand).

(e) *Propellant* means a liquefied or compressed gas in a container, where a purpose of the liquefied or compressed gas is to expel material from the container. The material to be expelled may be the propellant itself and/or a material different from the propellant.

(f) The definitions given in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall, where applicable, apply to this part 1401.

§ 1401.4 [Reserved]

§ 1401.5 Providing performance and technical data to purchasers by labeling.

(a) Manufacturers of self-pressurized consumer products containing a chlorofluorocarbon propellant shall provide performance and technical data concerning such products that they import or initially introduce into interstate commerce after February 19, 1978, to prospective purchasers at the time of original purchase and to the first purchaser for purposes other than resale. The data shall consist of the following identification and warning statement: "WARNING—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere."

(b) The identification and warning statement required by paragraph (a) of this section shall be in addition to any other required labeling and shall be sufficiently prominent and conspicuous as to be likely to be read and understood by ordinary individuals under normal conditions of purchase. This identification and warning statement shall appear on the immediate container of the product and also on any outside container or wrapper in which the product is normally offered for sale at retail. The identification and warning statement may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeled attached to the package.

[42 FR 42783, Aug. 24, 1977; 42 FR 46285, Sept. 15, 1977]

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§ 1401.6 Effective date.

This part becomes effective February 20, 1978.

PART 1402—CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

Sec.

1402.1 Scope.

1402.2 Background.

1402.3 Definitions.

1402.4 Requirements to provide performance and technical data by labeling and instructions.

APPENDIX I TO PART 1402—RECOMMENDED OUTLINE FOR INSTRUCTION BOOKLET ON "HOW TO SAFELY INSTALL YOUR CB BASE STATION ANTENNA"

AUTHORITY: 15 U.S.C. 2051, 2076.

SOURCE: 43 FR 28392, June 29, 1978, unless otherwise noted.

§ 1402.1 Scope.

(a) This part 1402 requires manufacturers (including importers) of Citizens Band (CB) base station antennas, outdoor television (TV) antennas, and their supporting structures to provide notification of ways to avoid the hazard of electrocution which exists when these products are allowed to come near powerlines while the antennas are being put up or taken down. The notification must be provided to (1) prospective purchasers of such products at the time of original purchase and (2) the first purchaser of such products for purposes other than resale. The notification consists of instructions to accompany the products, warning labels on the products, and warning statements on the packaging or parts container. Samples of the instructions, labels, and warning statements must also be provided to the Consumer Product Safety Commission.

(b) This part 1402 applies to any of the following that are "consumer products" as defined in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and that are manufactured or imported, or packaged or sold by the manufacturer or importer, after September 26, 1978.

(1) Antennas designed or intended to be used as outdoor CB base station antennas (referred to in this rule as "CB base station antennas").

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(2) Antennas designed or intended to be used as outdoor TV receiving antennas (referred to in this rule as "TV antennas").

(3) Antenna supporting structures, which are elements over 5 feet in length that are intended to support these types of antennas at a higher elevation. These structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not included.

[43 FR 28392, June 29, 1978, as amended at 43 FR 47722, Oct. 17, 1978]

§ 1402.2 Background.

As a result of numerous electrocutions which have occurred when consumers contacted powerlines with CB base station and outside TV antennas while putting these antennas up or taking them down, the Consumer Product Safety Commission has determined that it is necessary to require that warnings and instructions be furnished with these antennas and their supporting structures so that consumers can be made aware of the hazards involved and of safe ways to put up and take down these antennas. The Commission anticipates that this regulation will help protect the public against the unreasonable risk of injury associated with CB base station antennas, outside TV antennas, and supporting structures due to contact with overhead powerlines.

§ 1402.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1402.

(b) *Antenna supporting structures*, *CB base station antennas*, and *TV antennas* are defined in §1402.1(b)(1) through (3).

§ 1402.4 Requirements to provide performance and technical data by labeling and instructions.

(a) *Notice to purchasers.* Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall give notification of performance and technical data related to performance and safety to prospective purchasers of such products at the time of original purchase and to the first purchaser of such product for purposes

other than resale, in the manner set forth below.

(1) *Antennas.* CB base station antennas and TV antennas shall be provided with the following:

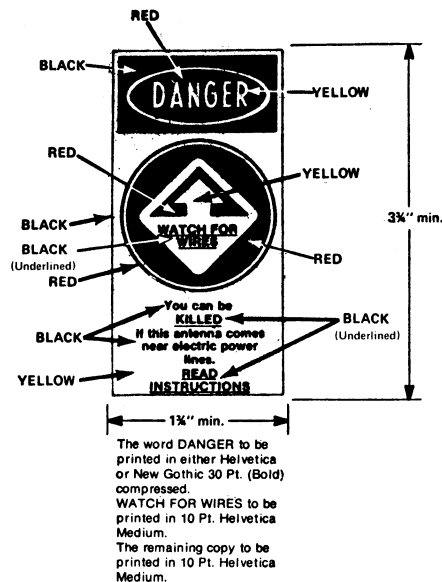


FIGURE 1

(i) *Label.* (A) The antenna shall bear the label shown in fig. 1 so that the label will be conspicuous to the installer during installation.

(B) If pipe or tubular nontelegraphing masts are a suitable supporting structure for the antenna, a separate label as shown in fig. 1 shall accompany the antenna. The label shall be suitable for mounting by the consumer on such a mast.

(C) The label in figure 1 shall be made and attached in such a manner that it will be legible for an average expected life of at least 3 years.

(D) The word "product" may be substituted for "antenna" in the label of fig. 1.

(E)(1) The colors in figure 1 shall conform to ANSI Standard Z53.1-1971, "Safety Color Code for Marking Physical Hazards," published in 1971 by the American National Standards Institute, which is incorporated by reference. Copies of this document are available from the American National Standards Institute, 1430 Broadway,

New York, New York 10018. This standard is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Alternatively, the colors “red” and “yellow” in figure 1 may conform to Color Tolerance Charts, published by the Department of Transportation. Copies of the Color Tolerance Charts are available from the Office of Hazardous Materials, Department of Transportation, Washington, DC 20590. These materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(2) Color limit values shall be determined by ASTM D 1535-68, “Specifying Color by the Munsell System,” published in 1968 by the American Society for Testing and Materials. Copies of ASTM D 1535-68 are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. These materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Alternatively, color limit values for red or yellow may be determined by the Department of Transportation Color

Tolerance Charts, which display the desired color within the tolerance limits.

(ii) *Instructions.* CB base station antennas and TV antennas shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: “WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS”. This statement shall be legible and conspicuous and shall be in type that is at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, or similar designations, and that is preferably no smaller than 10 point type.

(B) The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and readily understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(1) An explanation of the risk of electrocution caused by contacting powerlines while putting up or taking down the antenna.

(2) An identification of the generally available types and sizes of antenna supporting structures that are suitable for use with the antenna. If a generally available type or size of supporting structure is not identified as suitable, an explanation of why it is not suitable shall be included.

(3) If pipe or tubular non-telescoping masts are a suitable supporting structure for the antenna, the instructions shall contain the following in relation to installation of the antenna on such masts:

(i) How to select and measure the installation site.

(ii) An explanation (pictorial where appropriate) of methods that can be

used to reduce the possibility of contact with powerlines when putting up and taking down the antenna mast.

(iii) Instructions for properly attaching the separate label that is required to accompany the antenna by paragraph (a)(1)(i)(B) of this section.

(iv) A statement that if the supporting structure to be used with the antenna does not have a label of the type provided by the manufacturer, the provided label should be attached to the base of the supporting structure by the installer.

(2) *Antenna supporting structures.* Antenna supporting structures, except pipe or tubular nontelelescoping mast sections less than 11 ft. (335 cm.) in length that are not individually packaged or otherwise contained in a package intended for distribution to the consumer, shall comply with the following requirements:

(i) *Label.* (A) Antenna supporting structures shall bear the label shown in fig. 1, which shall be legible for an average expected life of at least 3 years. The label shall be attached so that it is conspicuous during installation and is 3 to 5 ft. (91 to 152 cm.) from the base of the supporting structure.

(B) The word "product" may be substituted for "antenna" in the label, as may "tower", "tripod", or other term, if it accurately describes the supporting structure.

(ii) *Instructions.* Antenna supporting structures shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS." This statement shall be legible and conspicuous and shall be in type that is at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, and similar designations, and that is preferably no smaller than 10 point type.

(B) The information set forth below, which shall be in a part of the instruc-

tions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(1) An explanation of the risk of electrocution caused by contacting powerlines while putting up or taking down the supporting structure.

(2) How to select and measure the installation site.

(3) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the supporting structure.

(3) *Packaging.* (i) The following warning statement shall legibly and conspicuously appear on either the packaging or the parts container of any CB base station antenna, TV antenna, or antenna supporting structure: "Warning: Installation of this product near powerlines is dangerous. For your safety, follow the enclosed installation directions."

(b) *Data provided to the Commission.* (1) Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall provide to the Commission samples of all the labels, warning statements, and instructions which will be used to satisfy the requirements of paragraph (a) of this section. These samples shall be provided to the Assistant Executive Director for Compliance, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Md. 20207, by October 27, 1978, or, in the event of a subsequent change in the warning statements or instructions or if a new product is introduced, within 30 days after the change or introduction.

(2) Manufacturers need not submit a separate sample for each model of antenna or supporting structure where different models use the same label and warning statement and where the portion of the instructions required by this part is the same for the different models (even though the remainder of the instructions may be different for

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each model). Changes in instructions which do not affect the portions of the instructions required by this part do not require the submission of additional samples.

(3) The reporting requirement contained in this section has been approved by the U.S. General Accounting Office under No. B-180232 (R0555).

[43 FR 28392, June 29, 1978, as amended at 43 FR 47722, Oct. 17, 1978; 46 FR 63250, Dec. 31, 1981; 62 FR 46667, Sept. 4, 1997]

APPENDIX I TO PART 1402—RECOMMENDED OUTLINE FOR INSTRUCTION BOOKLET ON “HOW TO SAFELY INSTALL YOUR CB BASE STATION ANTENNA”

- I. Required Warning Label Statement.
- II. Statement of Hazard.
- III. General Safety Instructions:
 - A. Seek professional assistance.
 - B. Select your site with safety in mind.
 - C. Call your electric power company.
 - D. Plan your procedure.
 - E. What to do if the assembly starts to drop.
 - F. What to do if the assembly contacts powerlines.
 - G. What to do in case of electric shock.
- IV. Site Selection (How to select and measure the installation site):
 - A. Distance from powerlines.
 - B. FCC height limitations.
 - C. Alternate locations:
 1. Roof.
 2. Chimney.
 3. Side of house.
 4. Free standing.
- V. Types and Sizes of Support Structures and Mountings:
 - A. Tripod:
 1. Where it can be used.
 2. Limitations.
 3. Suitable mounting methods.
 - B. Tubular Mast:
 1. Non-telescopic:
 - a. Where it can be used.
 - b. Limitations.
 - c. Suitable mounting methods.
 2. Telescopic:*
 - a. Where it can be used.
 - b. Limitations.
 - c. Suitable mounting methods.
 - C. Tower:*
 1. Where it can be used.
 2. Limitations.
 3. Suitable mounting methods.
- VI. Installation Instructions:
 - A. General Instructions:

* Detailed instructions for installing these supports would come with the product.

1. Materials.
2. Assembly.
3. How to walk-up a tubular mast:
 - a. Height limitations.
 - b. Tying off.
 - c. Raising the mast with an X-frame.
 - d. Raising the mast without an X-frame.
4. Guy Wires.
- B. How to Install a Tripod:
 1. Preparation.
 2. Erecting the assembly.
 3. Securing the assembly.
- C. How to Install a Non-telescopic Tubular Mast:
 1. Roof Mount:
 - a. Preparation.
 - b. Erecting the assembly.
 - c. Securing the assembly.
 2. Chimney Mount:
 - a. Preparation.
 - b. Erecting the assembly.
 - c. Securing the assembly.
 3. Side of House Mount:
 - a. Preparation.
 - b. Erecting the assembly.
 - c. Securing the assembly.
 4. Free Standing Mount:
 - a. Preparation.
 - b. Erecting the assembly.
 - c. Securing the assembly.
 - VII. Grounding Your Antenna:
 - D. How to Install a Telescopic Mast:*
 1. Preparation.
 2. Erecting the assembly.
 3. Securing the assembly.
 - E. How to Install a Tower:*
 1. Preparation.
 2. Erecting the assembly.
 3. Securing the assembly.
 - VIII. Instructions for Attaching Label to Antenna and Supporting Structure.

PART 1404—CELLULOSE INSULATION

- Sec.
- 1404.1 Scope, application, and effective date.
 - 1404.2 Background.
 - 1404.3 Definitions.
 - 1404.4 Requirements to provide performance and technical data by labeling—Notice to purchasers.

AUTHORITY: Secs. 2, 27, 35, Pub. L. 92–573, Pub. L. 95–319; 86 Stat. 1207, 1228; 92 Stat. 386 (15 U.S.C. 2051, 2076, 2082).

SOURCE: 44 FR 40001, July 6, 1979, unless otherwise noted.

§ 1404.1 Scope, application, and effective date.

(a) *Scope.* This part 1404 establishes a requirement for manufacturers, including importers, of cellulose insulation to notify (1) prospective purchasers of